REMARKS

I. General

Claims 1-28 are pending in the application, and all pending claims currently stand rejected. Claims 1-3, 5 and 16-18 stand rejected under 35 U.S.C. § 102. Claims 4, 6-15 and 19-28 stand rejected under 35 U.S.C. § 103. Applicant hereby traverses the outstanding rejections and respectfully requests reconsideration and withdrawal in light of the remarks contained herein.

II. Rejections under 35 U.S.C. § 102

Claims 1-3, 5 and 16-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6, 041,071 to Tayebati ("Tayebati").

In order to anticipate a claim, however, the reference must teach every element of the claim. M.P.E.P. § 131. Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989).

Applicant traverses these rejections and asserts that the 35 U.S.C. § 102 rejections of record do not satisfy these requirements and that the claims are allowable for, at least, the reasons stated below.

A. Independent Claims 1 and 16

Claim 1 recites "a dispersing element operable to disperse a light beam at a wavelength-dependent angle." Tayebati does not disclose a dispersing element. The Office Action alleges that wavelength selection means 120 in Figure 1 of Tayebati meets the requirement for a dispersing element. Applicant notes that distributed Bragg reflector (DBR) 120 of Tayebati does not operate with dispersion, but rather by diffraction, which is a different mode of operation.

Tayebati's DBR 120 operates at a purely normal angle of incidence with respect to the incident light. See Figures 1 and 2 of Tayebati. The angle of a light beam in Tayebati is

independent of its wavelength. Therefore, wavelength selection means 120 can not meet the requirement of a dispersing element operable to disperse a light beam at a wavelength-dependent angle.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claim 1 and assert that claim 1 is allowable for, at least, the reason stated above.

Claim 16 recites "dispersing said light beam at a wavelength-dependent angle." Tayebati does not disclose this element of claim 16. The Office Action alleges that wavelength selection means 120 in Figure 1 of Tayebati meets the requirement for a dispersing element. Applicant notes that distributed Bragg reflector (DBR) 120 of Tayebati does not operate with dispersion, but rather by diffraction, which is a different mode of operation.

Tayebati's DBR 120 operates at a purely normal angle of incidence with respect to the incident light. See Figures 1 and 2 of Tayebati. The angle of a light beam in Tayebati is independent of its wavelength. Therefore, wavelength selection means 120 can not meet the requirement of a dispersing element operable to disperse a light beam at a wavelength-dependent angle.

Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection of claim 16 and assert that claim 16 is allowable for, at least, the reason stated above.

B. Dependent Claims

Claims 2-3, 5 and 17-18 depend from a respective one of independent claims 1 and 16. The dependent claims each inherit all the limitations of their respective base claims. As shown above, Tayebati does not anticipate claim 1 or 16. Applicant asserts that dependent claims 2-3, 5 and 17-18 are patentable for, at least, the reasons set forth above with respect to independent claims 1 and 16. Accordingly, Applicant requests the Examiner withdraw the U.S.C. § 102(b) rejection of claims 2-3, 5 and 17-18

III. Rejections under 35 U.S.C. § 103

Claims 6-12, 14-15, 21-25 and 27-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tayebati in view of U.S. Patent No. 6,205,159 to Sesko et al. ("Sesko").

Claims 4 and 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tayebati in view of U.S. Patent No. 6,901,088 to Li et al. ("Li").

Claims 13 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tayebati in view of Sesko and further in view of Li. Applicant traverses these rejections as provided below.

In order to establish obviousness under 35 U.S.C. § 103(a), three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Third, the applied art must teach or suggest all the claim limitations. M.P.E.P. § 2143.03.

Without conceding the first two criteria, Applicant asserts that the rejections of claims 4, 6-15 and 19-28 fail to satisfy at least the third criteria.

Base claims 1 and 16 are defined as described above. Tayebati does not disclose these limitations, as discussed above. Neither Sesko nor Li is relied upon in the Office Action as disclosing these limitations. Therefore, the proffered combinations of references do not teach all elements of the claimed invention. Accordingly, dependent claims 4, 6-15 and 19-28 are asserted to be patentable over the 35 U.S.C. § 103 rejections of record for, at least, the reasons set forth above with respect to claims 1 and 16.

IV. Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1078, under Order No. 10021105-1 from which the undersigned is authorized to draw.

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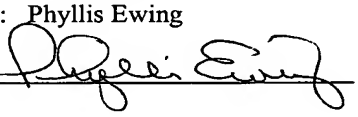
Signature: 

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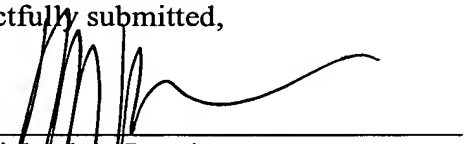
By: 

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